

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WAYNE PETTAWAY,)
Plaintiff,)
) C.A. No. 13-1551 Pittsburgh
)
v.) Judge Mark R. Hornak
)
COMMONWEALTH OF PENNSYLVANIA,)
et al,)
Defendants.)

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on October 25, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The Magistrate Judge's report and recommendation, filed on December 23, 2013, recommended that Plaintiff's motions for leave to proceed *in forma pauperis* [ECF Nos. 3 & 4] be granted and the Complaint be dismissed with prejudice pursuant to the screening provisions of the Prison Litigation Reform Act. Service was made on Plaintiff by mail at SCI Albion, where he is incarcerated. No objections were filed. After *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 3rd day of February, 2014;

IT IS HEREBY ORDERED that Plaintiff's motions for leave to proceed *in forma pauperis* [ECF Nos. 3 & 4] are GRANTED. The Complaint is DISMISSED with prejudice pursuant to the screening provisions of the Prison Litigation Reform Act.

The report and recommendation of Magistrate Judge Baxter, dated December 23, 2013, is adopted as the Opinion of the court.



Mark R. Hornak
United States District Judge

cc: Hon. Susan Paradise Baxter
United States Magistrate Judge
All parties of record